



## **CITY COUNCIL PROTOCOLS**

**August 2016**

### **I. PURPOSE**

These protocols are designed to assist the City Council and staff by memorializing existing policies, procedures and the general ways of conducting business. Their purpose is also to improve the efficiency and effectiveness of Council and staff. Administration of City business is greatly enhanced by the agreement of the City Council and staff to follow these practices. The protocols are not intended to be overly restrictive, and should be considered as guidelines. They should be viewed as an instructive source of guidance so that accepted practices are documented and expectations are clarified. Practices and policies will change as circumstances arise. With that in mind, the City Council will review and revise these protocols from time to time.

### **II. COUNCIL MEETINGS**

- A. Regular Meetings – The City Council’s regular meeting schedule is set forth in Belmont City Code (BCC) Section 2-1. The time and location of the Council’s regular meetings is set by formal action of the Council. The Council must hold regular meets at least once a month. The City Council’s regular meetings are currently held on the second and fourth Tuesday of each month commencing at 7:00 p.m. in the City Council Chambers, Belmont City Hall, One Twin Pines Lane, Belmont, California.
  - 1. Other Locations - The City Council may, from time to time, elect to meet at other locations within the City. Notice of a change of location or time will be posted at the front entrance of City Hall and entrance to the Council’s Chambers, and will be shown on the Council’s agenda if known when initially posted.
  - 2. Location During Local Emergency - If, by reason of fire, flood or other emergency, it is unsafe to meet in the Council’s Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the Vice Mayor or the City Manager.
  - 3. Canceled Meetings – When the date for any regular meeting falls on a legal holiday, the regular meeting for that day shall be deemed canceled unless it is rescheduled to an alternate date.
- B. Special Meeting & Emergency Meetings - Special meetings and emergency meetings of the City Council may be called from time to time in accordance with the procedures set forth in the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)
- C. Adjourned Meetings – The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of

adjournment in accordance with the procedures set forth in the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)

- D. Closed Sessions – The City Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law to be heard or considered in closed session.
  - 1. Attendance at a closed session is limited to those persons actually necessary to advise or take direction from the Council or otherwise have an essential role to play given the specifically permitted purpose of the session.
  - 2. The matter under consideration will be shown on the Council’s agenda in accordance with the Ralph M. Brown Act.
  - 3. Council Members may not reveal the nature of discussion or the decision from a closed session unless required by law or unless a majority of the Council agrees in closed session to disclose confidential closed session information, except that the Council must unanimously agree to divulge any confidential closed session information that is attorney/client privileged communications.
- E. Cancellation of Regular Meetings – Any meeting of the City Council may be canceled in advance by a majority vote of the Council Members.
- F. Quorum - A majority of the Council Members is sufficient to do business, and motions may be passed 2–1 if only 3 attend. There are some actions such as ordinances, resolutions, granting franchises and payment of money that may require at least 3 affirmative votes. When there is no quorum, the Mayor, Vice Mayor or any Council Member shall adjourn such meetings, or if no Council Member is present, the City Clerk shall adjourn the meeting.
- G. Teleconferencing by Council Members – Teleconferencing by Council Members shall be permitted, subject to the requirements in Government Code Section 54953(b). The agenda and information describing the particular location where the teleconference will take place should be posted at or near the main entrance of the facility containing the teleconferenced location as soon as feasible but not less than six hours before commencement of the meeting.
- H. Mayor – The Mayor serves as the Chair and has the authority to preserve order at all City Council meetings, to remove any person from any meeting of the City Council for disorderly conduct, to enforce the protocols of the City Council and to determine the order of business under the rules of the City Council. The Mayor, or designee, shall also have the power to administer oaths and affirmations.
  - 1. Absence of Mayor - The Vice Mayor shall act as Mayor in the absence or disability of the Mayor.

2. Mayor and Vice Mayor Absence – When the Mayor and the Vice Mayor are absent from any meeting of the City Council, the Members present may choose another Member to act as Mayor pro tem, and that person shall, for the time being, have the powers of the Mayor.
- I. Attendance by the Public - Except as specifically provided by law for closed sessions, all meetings of the City Council are open to the public in accordance with the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)
- J. Minutes - Minutes of City Council meetings will be brief summary minutes. Summary minutes will include final motions with votes. The minutes will also reflect the names of public speakers (if provided) and a brief summary of comment from the public, staff and City Council. The City Clerk has exclusive responsibility for preparation of the minutes and directions for corrections to the minutes will be made only by majority action of the City Council.
  1. Timing of City Council Approval of Minutes – Minutes of meetings are generally submitted to the City Council within two meetings for approval. Any Council Member who was absent from the prior meeting may participate and vote on the approval of the minutes and need not abstain on the approval of the minutes for that meeting.
  2. Recordings of Meetings – Digital recordings of proceedings shall be maintained by the City Clerk for the period set forth on the City’s retention schedule.
- K. City Council Agenda - The following rules for the preparation of the agenda for the City Council meetings are based on the premise that it is in the interest of good government that the City Council be fully informed on all matters upon which it is called upon to act. The City Council relies upon City staff to perform research, conduct investigations, furnish technical information and recommend solutions to various problems of City Government, and recognizes that proper and thorough research and investigation requires time.

The following persons may place matters on the agenda:

1. The City Manager and in the City Manager’s absence, the person designated as Acting City Manager.
2. The City Attorney and in the City Attorney’s absence, the Deputy City Attorney.
3. Agenda requests by Council Members (Including Mayor) - Any Council Member may place on the agenda under “Matters of Council Interest” a request to have any City policy or program reviewed or a new issue examined. The agenda item shall state the topic to be reviewed or analyzed and the name of the Council Member(s) submitting the request. The Councilmember submitting the request shall submit a

memo or report summarizing his/her position on the matter (included as Appendix A to this document) at least one week prior to the meeting. No staff work shall be done for these items prior to discussion by the entire City Council except that Council may briefly discuss the matter with staff prior to placing the item on the agenda. Council Members may vote on the item at the meeting if there is no need for additional staff analysis required on the item for the City Council to make an informed decision or the Council may direct staff to bring back a report addressing the request at a future meeting.

### **III. ORDER OF BUSINESS**

- A. General Order - The business of the City Council at its regular meetings will generally be conducted in accordance with the order of business as outlined on the current agenda template.
- B. Action Agenda Items - In accordance with the Ralph M. Brown Act, the City Council may not take action on any item that did not appear on the posted City Council regular meeting agenda 72 hours prior to the City Council meeting unless an exception is permitted under Government Code §54950 et. seq.
- C. Special Presentations/Study Sessions – All special presentations will be calendared and coordinated through the City Manager.
  - 1. City Council Announcements – Councilmember announcements will be limited to notification of community events, functions or comments on city operations or projects. Concerns or matters of current, pending or future City Council deliberation are not considered announcements. Individual Councilmember announcements should be limited to three (3) minutes.
  - 2. Honorary Proclamations and Resolutions - All requests should be given to the Mayor, through the City Clerk’s Office, for consideration. The subject should be Belmont-related and it is up to the Mayor's discretion whether to prepare such a document or place it on the agenda. Proclamations may also be issued by the Mayor “off-line” (i.e., without being placed on the agenda), when deemed by the Mayor to be appropriate.
- D. Consent Calendar - Those items on the Council Agenda which are considered to be of a routine and non-controversial nature are listed on the “Consent Calendar.”
  - 1. These items are considered as one item and approved, adopted, accepted, etc. by one motion of the Council.
  - 2. Councilmembers may comment on Consent Calendar items or ask for minor clarifications without removing the item for separate consideration.

3. A Councilmember may vote “no” or “abstain” on any consent item without removing it from the Consent Calendar.
  4. Items requiring deliberation may be removed by a Councilmember for separate consideration after consideration of the remaining Consent Calendar.
  5. Members of the public may comment on the remaining Consent Calendar and on removed items before Council consideration.
- E. General Public Comments – A portion of the City Council’s regular meeting agenda will set aside an period for members of the public to address the City Council on items within the Council’s subject matter jurisdiction that are not listed on the City Council agenda. This public comment period is limited to fifteen (15) minutes. Speakers who requested but did not receive an opportunity to speak during this initial comment period will be given an opportunity to address the Council later on the agenda.
- F. Standard Adjournment - The general hour of adjournment is 10:30 p.m. If items remain on the agenda after the 10:30 p.m. adjournment time, a majority vote of the Council can extend the meeting, or a special meeting may be scheduled or the items deferred to the next meeting. Meeting extension shall be in increments of thirty (30) minutes.

#### **IV. RULES OF DISCUSSION**

- A. General Procedure - It is the intent of the Council to follow Rosenberg’s Rules of Order. Consistent with any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the meeting Chair. A ruling of the Chair may be appealed by a Councilmember upon a seconded motion, and is reversed if the motion passes by a majority vote.
- B. Role of the Mayor – The City Council has delegated the responsibility and expanded the role of the Mayor to include both the chairing and facilitation of City Council meetings. In the role as facilitator, the Mayor will assist the Council Members to focus on their agenda, discussion and deliberations. The Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the City Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.
- C. City Council Deliberation & Order of Speakers - The Mayor is responsible to control the debate and the order of speakers. Speakers will generally be called upon by name in the order the requests to speak were received by the City Clerk.
- D. Questions Addressed to Another Councilmember - With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember; that Councilmember may respond while the floor is still held by the Councilmember

asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

- E. Limit Deliberations to Item at Hand - Councilmembers will limit their comments to the subject matter, item or motion currently being considered by the City Council.
- F. Length of Councilmembers Comments - Councilmembers will govern themselves as to the length of their comments or presentation. The Mayor will assist Councilmembers by signaling when the Councilmember has been speaking for over five minutes.
- G. Obtaining the Floor - Any Councilmember wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any Councilmember who seeks the floor when appropriately entitled to do so.
- H. Motions - Motions may be made by any Councilmember, including the presiding officer, providing that before a motion is offered by the presiding officer, the opportunity for making a motion should be offered to other Councilmembers. Any Councilmember, other than the person offering the motion, may second a motion.
- I. Ordinances - Motions introducing ordinances are deemed to include waiver of full reading of the ordinance after reading of the title in accordance with Government Code Section 36934 unless otherwise specifically stated.
- J. Voting - Any Councilmember present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified (recused) from voting and abstains because of such disqualification. If a Councilmember is recused, he or she should state the reason for the recusal for the record, and should leave the room. A vote, including a roll call vote, may be registered by the Councilmembers by answering "Yes" or "Aye" for an affirmative vote or "No" or "Nay" for a negative vote. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record by the City Clerk.
- K. Abstention - An abstention does not count as a vote for or against a matter. If a Councilmember abstains, he/she is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those Members present and voting."
- L. Tie Votes - A tie vote results in a lost motion. In such an instance, any Councilmember may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
- M. Non-Observance of Rule - Rules adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only,

and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the City Council.

- N. Code of Ethics and Conduct – The City Council has adopted a Code of Ethics and Conduct which expresses standards of ethical conduct expected for members of the City Council, Boards and Commissions and requires acknowledgment by the members that they have read and understand the Code of Ethics and Conduct.

## **V. ADDRESSING THE CITY COUNCIL**

### **A. Public Comments.**

1. Any person wishing to address the City Council on an item that is scheduled on the City Council agenda will be given the opportunity to make those comments when that item is being considered.
2. Public comments by members of the public at City Council meetings should adhere to the following guidelines:
  - a. Speaker Card – Anyone wishing to address the City Council should fill out a speaker card specifying which part of the agenda they wish to speak on and submit it to the City Clerk in a timely fashion. Members of the public are encouraged to submit Speaker Cards in advance of the agenda item, so that the Mayor can allocate appropriate time limits.
  - b. Comment Card – Members of the public may also submit a “Comment Card” if they do not wish to or cannot verbally address the Council during the meeting. A person may indicate his/her opposition or support for an agenda item on the comment card. If a Comment Card has been submitted on an item on the agenda, the City Clerk will indicate this during the public testimony portion of that item and the minutes will reflect the Council’s receipt of comment cards in opposition or support.
  - c. Speak from Podium – When called upon, the person should come to the podium. Individuals who serve on City commissions or task forces but are not speaking on behalf of that group should so state. Speaking from the audience is not allowed.
  - d. Questions, if any, should be directed to the Mayor who will determine whether, or in what manner, an answer will be provided.
  - e. Comments in Writing Encouraged - Members of the public may submit, and are encouraged to submit, comments in writing to the City Council relating to any items of City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to the Council Members and

considered and acted upon, or not acted upon, as the City Council in its judgment may deem appropriate.

- f. Written Material Presented at Meeting – Members of the public who wish to present written materials to the Council as part of the public comment portion of the agenda should do so by handing the material to the City Clerk. If sufficient copies are provided (7 copies recommended), those will be distributed. Otherwise, copies will be provided to the Council by the City Clerk subsequent to the meeting. Submitted materials are deemed public records.
  - g. Use of AV Equipment by the Public – Members of the public may not use any equipment to amplify sound or play, project or display still or moving images during public comment or other portions of the meeting. These restrictions do not apply to presentations by project applicants and appellants relevant to an application or appeal.
  - h. Repetitious or Dilatory Comments Prohibited – Speakers shall not present the same or substantially same items or arguments to the City Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the City Council, whether the City Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the City Council, in its discretion, may deem appropriate.
  - i. Group Comments – In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of persons wishes to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. The Mayor may extend the time allocation for a designated spokesperson.
  - j. Time Limits – Public comments are limited to three (3) minutes each. The Mayor may adjust the time limit per speaker as he or she determines is reasonably necessary for the orderly and efficient conduct of the Council's business. Time limits are for each individual speaker submitting a card, and time cannot be "donated" to other speakers.
- B. Presentation of Agenda Items. When a matter on the agenda comes before the City Council, the City Council's procedure is generally as follows:
- 1. Staff – The staff presents its report. Council Members may ask questions of staff if they so desire but should refrain from discussing the substance of the matter at this point.



2. Project Applicants and Appellants – A project applicant, followed by a project appellant if any and different from the applicant, or other person or entity with a substantial, direct property interest in an agenda item, or any duly designated representative of such a person or entity, will have the opportunity to present their comments, testimony, or argument. Applicants and appellants are encouraged to be succinct in their presentations.
  3. Public Comments – Before any motion is adopted on the merits of the issue to be heard, the Mayor will inquire if any persons are present who desire to speak or to present evidence regarding the matter.
  4. Rebuttal – Following public comment, project applicant and project appellant (if any, and if different from the project applicant) will each be given an opportunity to provide rebuttal or clarification of any issues raised. The Mayor may determine the appropriate time limit for rebuttal. Applicants and appellants are encouraged to be succinct in their presentations.
  5. Council Consideration – The opportunity for public input is closed and Council Member discussion and consideration occurs. In this connection, there may be further questions of or comments by staff, or questions by the Council Members of others (including Applicant or Appellant) as deemed necessary or appropriate without reopening the public input portion.
  6. City Council decision occurs via motion.
  7. The Mayor or City Clerk announces the final decision of the City Council
- C. Presentations Submitted in Writing – All persons interested in the matter being heard by the City Council may submit written evidence or remarks, as well as other graphic evidence (including paper copies of electronic presentations). Persons (including Project Applicants or Appellants) who anticipate lengthy presentations are encouraged to submit comments in writing, in advance, care of the City Clerk, for prior distribution to the City Council and other interested parties, whenever possible, by the Thursday morning preceding the scheduled City Council meeting relating to the matter or, if that is not possible, at the earliest feasible time prior to the meeting. In addition, submission of comments in writing is encouraged in lieu of possible lengthy oral presentations that may not be permitted. All such written material is a public record.
- D. Due Process – The Mayor will conduct the meeting in such a manner as to afford due process.
- E. Germane Comments – No person will be permitted during the hearing to speak about matters or present evidence that is not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed to the full City Council.

- F. Continuance of Hearings – Any hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.
- G. Communications and Petitions – Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by any Council Member.
- H. Admissible Evidence – Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.
- I. Waiver of Rules – Any of the foregoing rules may be waived by majority vote of the Council Members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.
- J. Non Exclusive Rules – The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its Mayor, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes, of orderly and effective conduct of the affairs of the City.

## **VI. MAYOR/VICE MAYOR**

- A. Selection – The City Council will choose a Mayor and Vice Mayor by a majority vote at the first regular meeting in December in non-election years, and at the meeting certifying the election of new council members in election years, unless a special meeting is scheduled to install the Mayor and Vice Mayor.
- B. Mayoral Duties – In addition to facilitating Council meetings, the Mayor determines the seating order on the City Council dais, and is the primary spokesperson for community events, meetings, and ceremonial events (such as ground-breakings or ribbon cuttings). The Mayor may delegate this authority to the Vice Mayor, other Council Member, or a staff member.

## **VII. COUNCIL MEMBER ADMINISTRATIVE SUPPORT**

- A. Incoming Correspondence.
  - 1. Correspondence addressed to the City Council, and correspondence addressed to the Mayor requiring a response from staff, are copied to all Councilmembers.
  - 2. Correspondence addressed to an individual Councilmember will not be copied to the other Councilmembers.

3. The group City Council email address shall also include the City Manager to ensure that the communication is retained for the record and so the City Manager may coordinate a response if one is deemed necessary.
  4. All correspondence, including email, addressed to the City Council will be retained by the City in accordance with its retention schedule.
- B. Outgoing Correspondence.
1. All Councilmember correspondence using City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full City Council not an individual Council Member position.
  2. Responses to correspondence addressed to City Council will be copied to the full City Council and City Clerk along with the original citizen correspondence.
- C. Personal Correspondence - Councilmembers should use only personal stationery for communications reflecting their personal positions. These communications will be prepared and sent at the expense of individual Councilmembers.
- D. Master Calendar - A master calendar of City Council events, functions or meetings will be provided to the full City Council. Functions, events or meetings to be attended by individual Councilmembers will not be included on the master calendar.
- E. Requests for Research or Information - Councilmembers may request information or research from the City Manager or Department Heads on a given topic directly when it is anticipated that the request can be completed by staff in less than an hour. Councilmember requests for research or information that is anticipated to take staff more than one hour to complete should be directed to the City Manager. Requests for new information or policy direction can be brought to the full Council at a regular meeting for consideration under "Matters of Council Interest". All written products will be copied to the full City Council.
- F. Council Notification of Significant Incidents - In conjunction with the City Manager's Office, the Police Department and the Fire Department will coordinate the notification to City Council of major crime, fire or other incidents.
- G. Reimbursements - Consistent with AB 1234, reimbursement of Council Member expenses shall conform to City Council Resolution No. 9749 and any authorized amendments thereto.
- H. Compensation - Belmont City Council will be compensated in accordance with Ordinance 896 or any future updates.

## **VIII. BOARDS AND COMMISSIONS APPOINTMENTS**

The following procedures will be used in considering appointments by the City Council to the various City boards and commissions:

- A. Whenever a membership vacancy occurs on a City board or commission, the City Clerk shall post a notice of the vacancy notifying the public of the vacancy.
- B. All persons interested in being considered for service on a City board or commission must have on file with the City an application indicating an interest in serving.
- C. In order to expedite the process should a vacancy occur within one year of interviews, staff is authorized to contact any applicants who were not selected to see if she/he is still interested in serving. The names of those applicants interested in being appointed will be brought directly to Council for consideration or for alternative direction.
- D. Each member of a board or commission created and appointed by the City Council serves at the pleasure of the City Council and must abide by the adopted Code of Ethics and Conduct.
- E. The City Clerk shall keep a record of the appointments.

#### **IX. COUNCIL VACANCY**

Whenever a vacancy occurs in the office of City Council member, the City Council will fill the vacancy by appointment or special election in accordance with the procedures set forth in Government Code section 36512.

#### **X. FAILURE TO OBSERVE COUNCIL PROTOCOLS**

These protocols are adopted to expedite the transaction of the business of the Council in an orderly fashion and are procedural only and the failure to strictly observe such rules does not affect the jurisdiction of the Council or invalidate action taken at a meeting that is otherwise held in conformity with law.

**Appendix A**



## **CITY OF BELMONT**

Matter of Council Interest

FROM: (Insert Name of Councilmember)

RE: (Title of Item)

City Councilmembers:

### **Description of Issue/Request**

(Briefly describe what the issue is about and/or what you are asking from the City Council, providing as much background information as possible so that the rest of Council has a general idea what the request is about. This will assist staff in ascertaining its future involvement as well.)

**Ex:** I am requesting the Council consider a resolution supporting legislation regarding (fill in the blank), or, I would like the Council to consider an ordinance (fill in the blank).

**Approximately how much staff involvement will this item take?** (Describe types of tasks you think staff will need to undertake to report back to Council with more information, or to implement whatever process/procedure you are proposing. Be realistic!)

**Financial Implications?** (You may need to take a guess at this, or it may be “not applicable” or “negligible”.)

**How time sensitive is this issue?**

### **General Plan/Vision Statement**

(How does this idea match the goals of the General Plan or Vision Statement?)

### **Attachments**

A.

B.

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Councilmember Signature

(Note: directions in parentheses should be deleted with final report.)